



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 2, 2014

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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### CALL TO ORDER by the Sergeant-at-Arms

### INVOCATION

*Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.*

### PLEDGE OF ALLEGIANCE

### CALL OF ROLL by the Comptroller

### APPROVAL OF PREVIOUS MEETING MINUTES (August 19, 2014)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Rev. Eric Donaldson on being a semi-finalist in the Toastmasters World Championship of Public Speaking.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

**DIVISION OF PLANNING AND DEVELOPMENT**

2. RESOLUTION approving a special use permit located at 951 Brooks Road, 115 feet east of Dogwood Lane, containing 1.27 acres in the Commercial Mixed Use-1 (CMU-1) District.

Collins

Case No. SUP 14-222

Applicant: Sylvia Owens  
The Bray-Davis Firm (David Bray) – Representative

Request: Permit to use the commercial site for auto sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the resolution

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING (None)

### GENERAL ORDINANCES - SECOND READING

3. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 25, Article III, Section 25-31 (b) regarding Investment of Trust Fund, up for S E C O N D reading.  
Flinn Ordinance No. 5563

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** amending the Building Code to suspend the requirements of the 2012 Edition of the ICC International Residential Code relating to Seismic Design and Construction Elements, while a Study Committee reviews and recommends any changes, up for S E C O N D reading.  
Collins Ordinance No. 5564

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING

5. **ORDINANCE** rezoning the northwest corner of Macon Road and Dexter Lane, containing 4.21 acres in the Single Family Residential-6 (R-6) District, up for F I R S T reading.  
Collins Case No. Z 14-102  
Ordinance No. 5565

Applicant: Gene Higginbotham  
S R Consulting (Cindy Reaves) – Representative

Request: Residential Work (RW) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING**

6. RESOLUTION approving final plat of LOONEY AVENUE DEDICATION AND IMPROVEMENT.

Case No. SD 13-702  
Contract No. CR-5216

Resolution approves the final plat located on the west side of N. Main Street, between Keel Avenue and Saffarans Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting GALLERIA OF MEMPHIS P.D., PHASE 3 and authorizing release of bond.

Case No. PD 90-315  
(Contract No. CR-4812)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Germantown Parkway, north of Dexter Road. The standard improvement contract was approved on August 5, 2003. Resolution also authorizes the release of the performance bond in the amount of \$1,204,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting SCS BUS BARN SEWER EXTENSION and authorizing release of bond.

(Contract No. CR-5166)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Grays Creek Drive, south of U.S. Highway 64. The standard improvement contract was approved on November 9, 2010. Resolution also authorizes the release of the performance bond in the amount of \$288,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD** (None)



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## FISCAL CONSENT AGENDA

9. RESOLUTION accepting grant funds in the amount of \$5,000.00 from the American Society for the Prevention of Cruelty to Animals (ASPCA), awarded to the Division of Parks and Neighborhoods, Memphis Animal Services to fund participation in the ASPCA 2014 Mega Match-a-thon Nationwide Shelter Pet Adoption Event.

Boyd

ACTION REQUESTED: Adopt the resolution



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## MLGW FISCAL CONSENT

10. RESOLUTION awarding Contract No. 11699, Large Diameter Directional Drilling, to Memphis Road Boring Company, Incorporated, in the funded amount of \$778,000.00.
11. RESOLUTION approving Change No. 17 to Contract No. 10569, Interactive Voice Response System, with Avaya, Incorporated, formerly Nortel Networks, Incorporated, in the funded amount of \$138,304.14. (This change is to renew the current contract for annual software and hardware maintenance, licenses and support services for a three year period, covering the period July 17, 2014 through July 16, 2017, with no increase in rates from the previous year. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Avaya, Incorporated.
12. RESOLUTION approving payment of the annual facility maintenance fee for public water systems, to Tennessee Department of Environment and Conservation, in the amount of \$124,017.95.
13. RESOLUTION awarding Contract No. 11566, Replacement of Distributed Process Control (DPC) System at the Shaw Water Pumping Station, to Allen & Hoshall, in the funded amount of \$175,400.00.
14. RESOLUTION approving revisions to the Memphis Light, Gas and Water Division Statement of Investment and Cash Management Policy.
15. RESOLUTION approving Change No. 5 to Contract No. 10546, Lapres Software Maintenance Agreement, with XL Print USA, LLC, in the funded amount of \$19,278.00. (This change is to renew the current contract for a two year term for the Paris Designer and Spooler Software covering the period September 1, 2014 through August 31, 2016, with no increase in rates from the previous year. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by XL Print USA, LLC.

16. RESOLUTION approving Change No. 3 to Contract No. 11050, Tape Reporting Tool, with 21st Century Software, Incorporated, formerly known as Estorian, Incorporated, in the funded amount of \$20,600.00. (This change is to renew the current contract for a two year period covering November 1, 2014 through October 31, 2016, with no increase in rates from the previous year. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by 21st Century Software, Incorporated.)
17. RESOLUTION approving Change No. 5 to Contract No. 10346, Database Navigation Editor Software Product, with Allen System Group, Incorporated (ASG) formerly Nortel Networks, Incorporated, in the funded amount of \$9,197.69. (This change is to renew the current contract for annual software maintenance, licenses and support services covering the period July 1, 2014 through June 30, 2015, with no increase from the previous year. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Allen System Group, Incorporated.)
18. RESOLUTION approving payment of \$175,000 to cover the services rendered by the Greater Memphis Chamber to facilitate economic and community development in Memphis and Shelby County for the period September 1, 2014 through August 31, 2015.
19. RESOLUTION requesting the approval of TVA Contract No. 8640 between MLGW and TVA to support industrial recruitment, development and expansion of business and industry in the Memphis/Shelby County area. MLGW will pay the Greater Memphis Chamber \$80,000.00 and TVA will reimburse MLGW \$40,000.00.



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## REGULAR AGENDA

20.  
Flinn

### APPOINTMENTS

#### MEMPHIS STORMWATER BOARD

##### Appointment

Ian Engstrom

#### MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMITTEE

##### Appointment

Patrick "Trey" Carter III

### GENERAL ORDINANCES – THIRD AND FINAL READING

21.

**ORDINANCE** to amend Chapter 21 – Motor Vehicles and Traffic – Article III Operation of Motor Vehicles Generally, Section 21-123, Procedure upon approach of authorized Emergency Vehicle to mirror the updated Tenn. Code Ann §55-8-132, Operation of Vehicles and Streetcars on approach of authorized Emergency Vehicles to clarify that extra caution around Solid Waste Vehicles is included within the requirements, up for T H I R D and F I N A L reading. (Held from 7/15; 8/5)

Ford

Ordinance No. 5555

ACTION REQUESTED: Take whatever action Council deems advisable

22.

**ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 15, to Increase Certain Fees and Modify Certain Sections Relating to the Proper Disposal of Tires and the Registration of Certain Tire Businesses and Tire Haulers within the City of Memphis, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5558

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapter 21-Vehicles and Traffic, to Clarify regulations of Motor Vehicle Window Tint, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5559

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Title 11, Chapter 16 – Vehicles and Traffic, to Augment Regulations of Driving Rules in the Presence of Authorized Emergency Vehicles, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5560

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to amend the provisions of the City of Memphis, Code of Ordinances, Title 6 – Business Licenses and Regulations, Chapter 6-44 – Limousine, Shuttle and Other Vehicles for Hire and Article 2 – Certificate of Public Convenience, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5561

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION**

26. RESOLUTION appropriating \$375,000.00 in Other Project Cost, funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, CIP Project Number EN01003, chargeable to the FY2015 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**INFORMATION SERVICES**

27. RESOLUTION appropriating \$500,000.00 in G.O. Bonds General to implement Enterprise Asset Management System, CIP Project Number IS01068.

Halbert

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION appropriating \$1,500,000.00 in G.O. Bonds General to replace obsolete equipment, CIP Project Number IS01007.

Halbert

ACTION REQUESTED: Adopt the resolution

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES**

29. RESOLUTION accepting and appropriating \$248,323.06 in grant funds from the Tennessee Department of Transportation (TDOT) for Wolf River Greenway Phase 5A.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

30. RESOLUTION transferring funds in the amount of \$270,000.00 funded by G.O. Bonds General, Project Number PW01040 for the purchase of two specialized pro patch trucks in order to address an increased need to increase productivity and efficiency with regards to street repairs.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

31. RESOLUTION to create a retiree healthcare fund to be funded in an initial amount of \$2,000,000.00 for a period of one year as a “safety net” for certain retirees and the Administration is to present to the Council within sixty days, rules and regulations regarding the eligibility for assistance from this fund for adoption by the Council. (Held from 7/15; 8/5)

Strickland

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**